

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Claus Harder et al.

Confirmation No.: 6020

Appln. No.: 10/597,099

Group Art Unit: 1615

Filed: April 9, 2008

Examiner:

Title: IMPLANT FOR RELEASING AN
ACTIVE SUBSTANCE INTO A
VESSEL THROUGH WHICH A
BODY MEDIUM FLOWS

Atty. Docket No.: 149459.00003

Customer No.: 25207

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

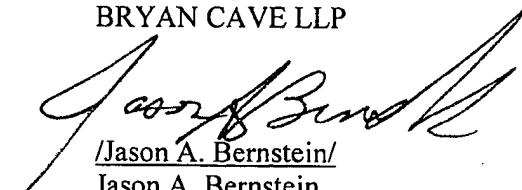
An error has been identified on the Filing Receipt received in this office for the above-referenced matter.

The filing date of the priority application (International Patent Application No. PCT/EP05/01167) is listed as 02/04/2003. The correct filing date is 02/04/2005. A marked-up copy of the Filing Receipt is included for your reference. Also provided is a copy of the first page of the U.S. Declaration and a copy of the first page of the published PCT application confirming the filing date of the PCT application.

Applicant respectfully requests correction of the filing date for the PCT application as shown on the enclosed marked-up copy of the Filing Receipt and requests issuance of a Corrected Filing Receipt.

Thank you for your assistance.

Respectfully submitted,
BRYAN CAVE LLP



/Jason A. Bernstein/
Jason A. Bernstein
Reg. No. 31,236

One Atlantic Center, Fourteenth Floor
1201 West Peachtree Street, NW
Atlanta, GA 30309-3488
(404) 572-6900
(404) 572-6999 (fax)
jason.bernstein@bryancave.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/597,099	04/09/2008	1615	1160	149459.00003	13	2

25207

BRYAN CAVE POWELL GOLDSTEIN
ONE ATLANTIC CENTER FOURTEENTH FLOOR
1201 WEST PEACHTREE STREET NW
ATLANTA, GA 30309-3488

CONFIRMATION NO. 6020
FILING RECEIPT



OC000000034875197

Date Mailed: 03/10/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Claus Harder, Uttenreuth, GERMANY;
Roland Rohde, Burgdorf, GERMANY;
Bernd Heublein, Hannover, GERMANY, Deceased;
Eva Heublein, City Coburg, GERMANY, Legal Representative;
Nora Heublein, City Köln, GERMANY, Legal Representative;
Christoph Heublein, City Hannover, GERMANY, Legal Representative;
Erhard Flach, Berlin, GERMANY;
Wolfgang Geistert, Rheinfelden, GERMANY;
Gernot Kolberg, Berlin, GERMANY;
Heinz Müller, Erlangen, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 25207

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP05/01167 02/04/2003- 2005

Foreign Applications

GERMANY 10 2004 006 745.7 02/06/2004
GERMANY 10 2004 029 611.1 06/09/2004

If Required, Foreign Filing License Granted: 03/05/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/597,099**

Projected Publication Date: 06/18/2009

Non-Publication Request: No

Early Publication Request: No
Title

IMPLANT FOR RELEASING AN ACTIVE SUBSTANCE INTO A VESSEL THROUGH WHICH A BODY MEDIUM FLOWS

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Attorney Docket
Number

149459.00003

First Named Inventor

CLAUS HARDER

COMPLETE IF KNOWN

Application Number

TBA



Declaration
Submitted
With Initial
Filing

OR



Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e)
required)

Filing Date

July 11, 1006

Art Unit

TBA

Examiner Name

TBA

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPLANT FOR RELEASING AN ACTIVE SUBSTANCE INTO A VESSEL THROUGH WHICH A BODY
MEDIUM FLOWS**

(Title of the invention)

the specification of which

is attached hereto

OR



was filed on (MM/DD/YYYY)

02/04/2005

as United States Application Number or PCT International

Application Number

PCT/EP2005/001167

and was amended on ((MM/DD/YYYY))

07/11/2006

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
10 2004 006 745.7	DE	02/06/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10 2004 029 611.1	DE	06/09/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

(12) NACH DEM VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES
PATENTWESENS (PCT) VERÖFFENTLICHTE INTERNATIONALE ANMELDUNG

(19) Weltorganisation für geistiges Eigentum
Internationales Büro



(43) Internationales Veröffentlichungsdatum
18. August 2005 (18.08.2005)

PCT

(10) Internationale Veröffentlichungsnummer
WO 2005/075005 A1

(51) Internationale Patentklassifikation⁷: A61L 31/02,
31/14, 31/16

(71) Anmelder (nur für US): HEUBLEIN, Eva [—/DE];
Albrechtstrasse 2, 30627 Hannover (DE). HEUBLEIN,
Nora (Erbin des verstorbenen Erfinders) [—/DE]; Al-
brechtstrasse 2, 30627 Hannover (DE). HEUBLEIN,
Christoph (Erbe des verstorbenen Erfinders) [—/DE];
Albrechtstrasse 2, 30627 Hannover (DE).

(21) Internationales Aktenzeichen: PCT/EP2005/001167

(22) Internationales Anmeldedatum:

4. Februar 2005 (04.02.2005)

(25) Einreichungssprache: Deutsch

(72) Erfinder: HEUBLEIN, Bernd (verstorben).

(26) Veröffentlichungssprache: Deutsch

(72) Erfinder; und

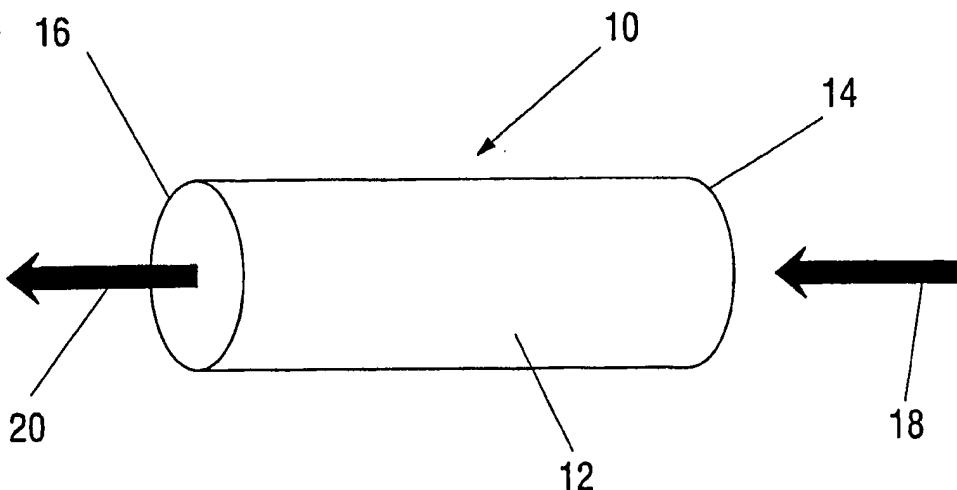
(30) Angaben zur Priorität:
10 2004 006 745.7 6. Februar 2004 (06.02.2004) DE
10 2004 029 611.1 9. Juni 2004 (09.06.2004) DE

(75) Erfinder/Anmelder (nur für US): FLACH, Erhard
[DE/DE]; Krusauer Strasse 20a, 12305 Berlin (DE).
GEISTERT, Wolfgang [DE/DE]; In den Kapellmatten 22,
79618 Rheinfelden (DE). KOLBERG, Gernot [DE/DE];
Karl-Marx-Strasse 37, 12043 Berlin (DE). HARDER,
Claus [DE/DE]; Memelstrasse 7, 91080 Uttenreuth (DE).
ROHDE, Roland [DE/DE]; Flaatmoor 4, 31303 Burgdorf

[Fortsetzung auf der nächsten Seite]

(54) Title: IMPLANT FOR RELEASING AN ACTIVE SUBSTANCE INTO A VESSEL THROUGH WHICH A BODY MEDIUM FLOWS

(54) Bezeichnung: IMPLANTAT ZUR FREISETZUNG EINES WIRKSTOFFS IN EIN VON EINEM KÖRPERMEDIUM DURCHSTRÖMTES GEFÄß



WO 2005/075005 A1

(57) Abstract: The aim of the invention is to provide an implant for releasing an active substance into a vessel through which a body medium flows. This aim is achieved by the inventive implant for releasing an active substance into a vessel through which a body medium flows. Said implant comprises a base that consists of a biodegradable material as the carrier of the active substance to be released. The body medium flows around said base on the inside and/or outside thereof.

(57) Zusammenfassung: Der vorliegenden Erfindung liegt die Aufgabe zugrunde, ein Implantat für die Freisetzung eines Wirkstoffs in einem von einem Körpermedium durchströmten Gefäß bereitzustellen. Die Aufgabe wird durch das erfindungsgemäße Implantat zur Freisetzung eines Wirkstoffs in ein von einem Körpermedium durchströmtes Gefäß gelöst, bei dem das Implantat einen Grundkörper umfasst, der aus einem biodegradierbarem Material als Träger des freizusetzenden Wirkstoffs besteht und der von dem Körpermedium innen und/oder außen umströmt wird.